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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,046	09/09/2003	Vaughn M. Moncrieff	CFT-011CIA	3267
28661	7590	03/24/2006	EXAMINER	
SIERRA PATENT GROUP, LTD. 1657 Hwy 395, Suite 202 Minden, NV 89423			TOOMER, CEPHIA D	
			ART UNIT	PAPER NUMBER

1714

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/659,046	Applicant(s) MONCRIEFF ET AL.	
	Examiner Cephia D. Toomer	Art Unit 1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nixon (US 3,615,290).

Nixon teaches stable emulsions of normal liquid hydrocarbon comprising a dispersed phase (fuel), at least one nonionic emulsifier as the continuous phase and about 1.5 wt% water and in addition a stabilizer such as succinic anhydride compounds (see abstract). Nixon teaches that the shear rate for forming the emulsion is from about 1,000 to about 50,000 s⁻¹ (see col. 3, lines 60-65). The fuel may be gasoline, diesel, etc. (see col. 4, lines 14-31). The nonionic surfactant may be fatty acid esters of sorbitan, such as sorbitan monooleate (fuel soluble product)(see col. 6, lines 14-29). Nixon teaches that the stabilizer is a corrosion inhibitor such as metal soaps of polyisobutylene succinic anhydride (see col. 7, lines 45-71). Nixon teaches that the components can be added in any order desired or all of them can be added

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simultaneously. However, it is preferred that the emulsifiers and corrosion inhibitor are first added to the continuous phase, then the hydrocarbon fuel is added to the continuous phase. High speed blenders are generally used (see col. 7, lines 16-44). The fuel composition may contain dispersants (see col. 5, lines 26-29).

Nixon teaches the limitations of the claims other than the emulsifier as a package. However, it would have been obvious to one of ordinary skill in the art to prepare a package because Nixon teaches that the emulsifier, corrosion inhibitor and continuous phase are prepared first, thus suggesting a package. With respect to the recirculating step, it would have been obvious to one of ordinary skill to perform this step because it would ensure proper mixing before the shearing step.

4. Claim 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nixon 3,615,290 in view of Basu 6,270,541

Nixon has been discussed above. Nixon fails to teach that the fuel is a non-hydrocarbonaceous fuel. However, Basu teaches this difference. Basu teaches a diesel fuel using methanol and dimethyl ether. Basu also teaches that the composition may contain a conventional diesel fuel or a biodiesel (see abstract; col. 4, lines 56-60).


It would have been obvious to one of ordinary skill in the art to employ non-hydrocarbon fuels because Basu teaches that these compositions perform as well as hydrocarbon fuels, such as the diesel fuel disclosed in Nixon.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cephia D. Toomer
Primary Examiner
Art Unit 1714

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